


FILED

JUN 12 2024

United States District Court  
Eastern District of North Carolina  
Western Division

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY  DEP CLK

Case No. 5:24-CT-3151-D

SOLOMON NIMROD BUTLER

Inmate Number 1235165

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**COMPLAINT**

(Pro Se Prisoner)

NORTH CAROLINA GENERAL COURT OF JUSTICE

Jury Demand?

☐ Yes

☒ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

## I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☐ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☒ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

## II. PLAINTIFF INFORMATION

SOLOMON NIMROD BUTLER  
Name

1235165  
Prisoner ID #

COLUMBUS CORRECTIONAL INSTITUTION  
Place of Detention

1255 PRISON CAMP ROAD WHITEVILLE, N.C. 28472  
Institutional Address

WHITEVILLE  
City

N.C.  
State

28472  
Zip Code

## III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee    ☐ State    ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

#### IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: NORTH CAROLINA GENERAL COURT of JUSTICE  
Name  
NORTH CAROLINA GENERAL COURT of JUSTICE  
Current Job Title  
201 SOUTH GREEN STREET  
Current Work Address  
MORGANTON N.C. 28655  
City State Zip Code  
Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2: LISA SCALES  
Name  
CUMBERLAND COUNTY CLERK of SUPERIOR COURT  
Current Job Title  
117 DICK STREET  
Current Work Address  
FAYETTEVILLE, N.C. 28301  
City State Zip Code  
Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

**Defendant(s) Continued**

Defendant 3:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant 4:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

**V. STATEMENT OF CLAIM**

Place(s) of occurrence: CUMBERLAND COUNTY SUPERIOR COURT TADOR CORRECTIONAL INST.

Date(s) of occurrence: DECEMBER 6<sup>TH</sup> 2021

State which of your federal constitutional or federal statutory rights have been violated:

MY FIRST AND FOURTEENTH AMENDMENT U.S. CONSTITUTIONAL RIGHTS

*State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.*

FACTS:

Who  
did what to  
you?

THE AGENT (LISA SCALES CLERK OF CUMBERLAND COUNTY SUPERIOR COURT) OF THE DEFENDANT NEGLECTED TO NOTIFY THE PLAINTIFF OF THE DISPOSITION OF HIS CIVIL SUIT (21CV5001740) FILED WITH THE CUMBERLAND COUNTY SUPERIOR COURT AT THE COST OF TWO HUNDRED THIRTY DOLLARS (230) TO THE PLAINTIFF, ON OR ABOUT 12-6-2021.

What  
happened  
to you?

THE PLAINTIFF WAS LEFT IN A STATE OF LIMBO AFTER SERVING HIS  
COMPLAINT ON THE DEFENDANT'S AGENT (LISA SCALES CLERK OF  
SUPERIOR COURT OF CUMBERLAND COUNTY) IN MARCH OF 2021. I HAD  
TO FIND OUT THE DISPOSITION OF HIS CIVIL SUIT (21CV5001740)  
VIA HIS OWN DUE DILIGENCE, IN REU OF THE DEFENDANT'S AG-  
ENT PERFORMING HER DUTY IN ACCORDANCE WITH NORTH CAROLINA  
RULES OF CIVIL PROCEDURE 5CA)

When did it  
happen to  
you?

ON DECEMBER 6<sup>TH</sup>, 2021

Where did it  
happen to  
you?

CUMBERLAND COUNTY COURT HOUSE AND Tabor CORRECTIONAL  
INSTITUTION

What was  
your  
injury?

THE PLAINTIFFS WAS DENIED THE FULL SERVICES OF THE COURT  
AND ALL OF ITS EMPLOYEES AS A RIGHT IMBUE TO HIM BY HIS  
PAYMENT OF <sup>150</sup>~~250~~ DOLLARS ALONG WITH THE FORFEITURE OF HIS RIGHT  
TO A APPELLATE REVIEW OF THE JUDGMENT ENTER IN THE PLAINT-  
IFF'S CIVIL SUIT AND THE LOSS OF MY OPPURTUNITY TO BE  
RELEASED FROM MY UNCONSTITUTIONAL CONFINEMENT THREEYE-  
ARS AGO IN 2021

## VI. ADMINISTRATIVE PROCEDURES

**WARNING:** Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

---

---

---

---

---

Is the grievance process completed? ☐ Yes ☐ No

If no, explain why not:

---

---

---

---

---

## VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'm REQUESTING THE ~~IMP~~ REMOVAL OF LISA SCALES AS THE CUMBERLAND COUNTY CLERK OF SUPERIOR COURT FOR HER NEGLIGENCE IN DISCHARGING HER DUTIES AS SUCH AND MY TOTAL SUM CERTAIN AMOUNT REQUESTED FROM MR. ANDREW J. HEATH OF THREE MILLION DOLLARS (3,000,000) IN DAMAGES FOR THE NEGLIGENCE OF THE NAMED AGENT; MANDATORY INJUNCTION ALLOWING THE PLAINTIFFS THE SUMMARY PROCEEDING DESCRIBED IN NORTH CAROLINA GENERAL STATUTE 17-32 SUMMARY PROCEEDING EXAMINATION OF FACTS



### VIII. PRISONER'S LITIGATION HISTORY

*The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).*

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 3

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

5:18-CT-3369; DENNIS DANIELS; JOSEPH HARRELL, BRIAN JOHNSON, RAMELL  
OVERTON; DISMISSED FOR FAILURE TO STATE A CLAIM

5:20-CT-3097-BO; WILLIAM WEST; DISMISSED AS FRIVOLOUS

I CAN'T RECALL THE DETAILS OF THE LAST CASE.

## IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.**

***Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.***

JUNE 6<sup>th</sup>, 2024  
Dated

John Butler  
Plaintiff's Signature

\_\_\_\_\_  
Printed Name

1235165  
Prison Identification #

<u>1255 PRISON CAMP ROAD</u>	<u>WHITEVILLE</u>	<u>N.C.</u>	<u>28472</u>
Prison Address	City	State	Zip Code